

## **Ordinance No. 502**

### **An Ordinance to amend Chapter 166, Section 166-6 A (5)(c) relating Permissible Noise Levels in Industrial Districts**

**WHEREAS**, the Council of the City of New Castle has determined that an error exists in Section 166-6 A (5)(c) of the New Castle City Code in that it limits maximum noise levels in such districts to a mere 8.52 dBA; and

**WHEREAS**, Council has determined correct this error and make clear that the maximum permissible noise level in Industrial districts is 85 dBA;

**NOW, THEREFORE**, be it ordained by the Council of the City of New Castle, as follows:

**SECTION 1:** Section 166-6 A (5)(c) of the Code of the City of New Castle dealing with allowable noise levels is hereby amended and restated in its entirety, as follows:

#### **Section 166-6 Allowable Noise Levels**

- A. Unless a person(s) has been granted a special waiver in accordance with the provisions of this chapter, it shall be unlawful for any person(s) to create a noise disturbance. Any one or combination of the following shall constitute noise disturbances:

\* \* \*

(5) No persons shall operate or cause to be operated any stationary source of sound in such a manner as to create a twenty-four-hour equivalent A-weighted sound level which exceeds the Leq limits set forth for the receiving land use category below and when measured at a point beyond the boundary of the property on which the source of noise is located:

\* \* \*

(c) Industrial districts: 85 dBA.

**SECTION 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

**SECTION 3.** Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

**SECTION 4.** This Ordinance shall become effective immediately upon passage.

**First Reading**                      **March 10, 2015**

**Second Reading**                **April 14, 2015**

Signed this 15th day of April, 2015

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Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

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Janet E. Wurtzel, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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Donald A. Reese, Mayor